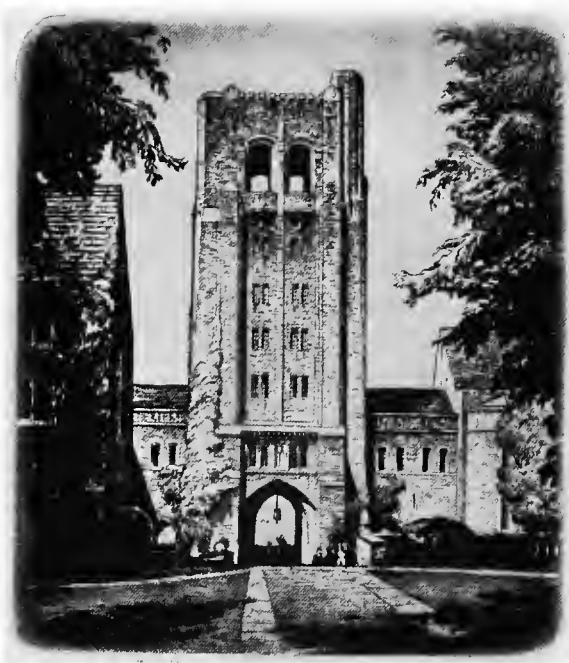


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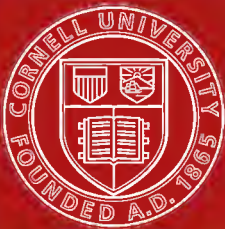
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CITATIONS AND DIGEST
OF DECISIONS OF THE
INTERSTATE COMMERCE COMMISSION
OF THE UNITED STATES

VOLUMES 1 to 29
1888 to 1914

BY
ALVORD L. BISHOP
of the Cleveland Bar

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Alvord L. Bishop



EXPLANATION.

The purpose of this publication is to present in convenient form a compilation covering the complete history of all cases reported by the Interstate Commerce Commission to which citation has been made in either the opinions of the Commission or the various Federal Courts.

Part I consists of cases arranged according to the volume and page as they appear in the Interstate Commerce Commission Reports, with a reference to their location in the Interstate Commerce Reports. Each case has been digested and the principal points involved therein are shown, together with its full history and the citations thereof in the I. C. C. Reports, I. C. Reports and reports of the Federal courts.

The dual citation of Interstate Commerce Commission cases is due to the fact that there are two sets of reports covering the earlier decisions of the Commission.

The Interstate Commerce Reports, published by The Lawyers Co-Operative Publishing Company, Rochester, N. Y., Volumes 1 to 6 (1888 to 1896), contain the cases included in Volumes 1 to 5 (1888 to 1893) of the reports designated as Interstate Commerce Commission Reports. Volume 6 of The Interstate Commerce Commission Reports includes the balance of the cases in Volume 6 of the Interstate Commerce Reports not covered by Volume 5 of the former set. Thereafter the cases are reported in the same volume and on the same page in both sets of reports.

The Interstate Commerce Commission Reports are designated herein by the abbreviation "I. C. C." and the Interstate Commerce Reports as "I. C".

Part II consists of citations of Federal cases in the reports of the Commission. Federal cases involving orders or decisions of the Commission are treated specially. Reference is made by the abbreviation "cc" to the I. C. C. Reports wherein such case is reported, and in addition all the direct citations of such Federal case are shown.

The compilation will be kept up to date in all its various features through current continuation to be published semi-annually.

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	5-630	4-282

- 230 RAYMOND v. C. M. & ST. P. RY. CO.

(1 I. C. REP. 627-B.)

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Undue preference through adjustment of reasonable rates.

Discrimination-competition between carriers affecting localities.

Reasonableness of advantage given competing town.

Application of 4th Section to intermediate points within longer haul.

Cited:	ICC	IC
	2-266	6-477
	4-83	6-557
		2-149
		3-117

- 236 HARWELL v. COLUMBUS & WESTERN R. R. CO.

(1 I. C. REP. 631.)

Competition by water under 4th Section.

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Bills of lading as a facility of transportation.

Basing-point system as applied in Southern States.

Cited:	ICC	IC
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	2-594	6-15
	2-601	6-21
	3-444	6-29
	4-243	7-235
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		2-428
		2-430
		2-718
		3-269
		3-276
		4-151
		4-354
		4-357
		4-360

- 325 EVANS v. OREGON RAILWAY & NAVIGATION CO.

(1 I. C. REP. 641.)

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Carriers not required to make rates on mere conjectures.

Cited:	ICC	IC
	1-567	5-11
	2-69	5-111
	2-83	6-127
	2-286	6-522
	3-557	12-249
		1-747
		2-47
		2-48
		2-52
		2-172
		2-785
		3-658
		3-746

- 339 COUNCILL v. WESTERN & ATLANTIC R. R. CO.

(1 I. C. REP. 638.)

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Discrimination between white and colored passengers.

Cited:	ICC	IC
	1-431	12-249
	2-138	17-362
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		1-720
		2-80
		3-715
		137 Fed. 349.

- 349 In re EXPRESS COMPANIES.

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Cited:	ICC	IC
	5-460	
		3-112
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- 372 RIDDLE, DEAN & CO. v. P. & L. E. R. R. CO.
(1 I. C. REP. 701-778.)

Amendments to complaint-procedure to apply.

Cited:	ICC	IC
	2-314	2-188
		3-230

- 374 RIDDLE, DEAN & CO. v. P. & L. E. R. R. CO.
(1 I. C. REP. 688.)

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Cited:	ICC	IC
	1-601	1-790
	4-316	3-310
	10-245	
	22-43	

- 393 REYNOLDS v. W. N. Y. & P. R. R. CO.
(1 I. C. REP. 685.)

Discrimination in classification of railroad ties.

Discriminatory rates restricting movement of railroad material.

Rule in reference to amendments to complaints.

Cited:	ICC	IC	
	2-129	2-84	162 Fed. 190.
	4-316	3-310	175 Fed. 33.
	9-85		234 U. S. 149.

- 401 CREWS v. RICHMOND & DANVILLE R. R. CO.
(1 I. C. REP. 703.)

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Relative equal charges for equal service.

Comparison of rates between long-haul and short-haul traffic.

Responsibility of carrier for rates of connecting line.

Discrimination defined.

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Refusal of carrier to interchange freight.

Cited:	ICC	IC	
	1-632	2-289	2-11 2-316 60 Fed. 548.
	2-25	3-70	2-37 2-479
	2-39	10-213	2-173 4-831

- 428 HEARD v. GEORGIA R. R. CO.
(1 I. C. REP. 719.)

Separation of white and colored passengers.

Remedy for unlawful separation in courts, not Commission.

Cited:	ICC	IC
	3-118	2-511
	12-249	

- 436 BOSTON CHAMBER OF COMMERCE v. L. S. & M. S. RY. CO.
(1 I. C. REP. 754.)

Differential rates between competitive cities.

Standard for determining reasonableness of rates.

Necessity of rates equalizing existing inequalities.

Divisions of joint rate between carriers.

Cited:	ICC	IC
	2-585	5-188 2-415 3-839
	3-183	5-455 2-568 4-179
	5-11	8-113 3-658
	5-177	13-31 3-834
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- 465 **PLYLE & SONS v. E. T. V. & G. RY. CO.**
(1 I. C. REP. 767.)

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Cited:	ICC	IC
	3-447	2-719
	6-67	4-376
	25-459	
	25-472	

- 480 **FARRAR & CO. v. E. T. V. & G. RY. CO.**
(1 I. C. REP. 764.)

Rates should be reasonably remunerative to carrier.

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Cited:	ICC	IC
	2-68	5-111
	2-83	11-643
	3-558	-
		2-47
		2-52
		2-746
		2-786

- 490 **RIDDLE, DEAN & CO. v. P. & L. E. R. R. CO.**
(1 I. C. REP. 773.)

Conditions under which rehearing will be allowed.

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Cited:	ICC	IC
	1-601	1-790
	2-594	2-430
	6-56	4-371

- 495 **HECK & PETREE v. E. T. V. & G. RY. CO.**
(1 I. C. REP. 775.)

State common carrier as facility of interstate commerce.

Claim for pecuniary damages will not be considered by Commission.

Cited:	ICC	IC
	2-138	2-80
	3-599	2-808
	4-316	3-310
	5-93	3-715
	17-362	
		137 Fed. 349.
		207 Fed. 720.

- 503 **RICE v. W. N. Y. & P. R. R. CO.**
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Duty of carriers to supply equipment.

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Uniformity and publication of allowances to owners of tank cars.

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Cited:	ICC	IC	
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	2-370	4-153	2-246
	3-582	5-198	2-794
	3-587	5-429	2-795
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Cited:	ICC	IC	
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	5-93	3-310	137 Fed. 349.
	5-94	3-715	
	17-362	3-716	
	25-294		

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Tariffs not conforming to 4th Section criticized.

Duty of carriers in re publication of tariffs.

Cited:	ICC	IC	
	1-632	2-47	
	3-639	3-70	

- 629 LA CROSSE MANFRS. & JOB. UNION v. C. M. & ST. P. RY. CO.
(2 I. C. REP. 9.)

Distance as factor in reasonableness of rates.

Through rates should be lower than sum of locals.

Group rates not unlawful per se.

Complaint must furnish reasonable grounds for investigation.

Cited:	ICC	IC	
	2-53	2-289	2-41 2-173
	2-67	2-294	2-46 2-175
	2-69	2-587	2-47 2-415
	2-78	3-557	2-50 2-785
	2-83	3-639	2-52 3-70

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- 1 MARTIN v. SOUTHERN PACIFIC CO.
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Adoption of uniform classification urged.

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Cited:	ICC	IC	
	2-324	2-203	
	4-526	3-449	
	8-624		

- 25 MARTIN v. C. B. & Q. R. R. CO.
(2 I. C. REP. 32.)

Equality of rates between large and small towns.

Reasonableness of rates as determined by effect on localities.

Equalization of through rate with sum of locals to and from jobbing centers.

What constitutes local and what through rates.

Cited:	ICC	IC	
	2-154	6-355	2-98 3-63
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	3-70	6-476	2-316 4-360
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(2 I. C. REP. 41.)

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Rate per ton per mile as factor in reasonableness of rates.

Circumstances and conditions as factor in reasonableness of rates.

Effect of water competition on rates.

Cited:	ICC	IC	
	2-78	4-151	2-50 3-244 60 Fed. 549.
	2-83	4-181	2-52 3-253
	2-84	4-208	2-97 3-276
	2-151	4-261	2-175 4-151
	2-294	5-399	2-415 4-831
	2-587	8-288	2-785
	3-557	13-361	2-786
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	4-86		3-170

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Rate per ton per mile as factor in reasonableness of rates.

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Reasonableness of rates dependent on character of traffic.

Competition as element creating dissimilar conditions.

Future proceedings where Act violated but proof fails to sustain charge.

Cited:	ICC	IC
	3-557	2-97
	3-560	2-175
	9-33	

90 SCOFIELD & L. S. & M. S. RY. CO.
(2 I. C. REP. 67.)

Duty of carrier to furnish proper car equipment.

Commission without jurisdiction to order furnishing of cars.

Carriers may lease equipment of private companies.

Discrimination in rates based on ownership of cars, illegal.

Payment of allowances for use of private cars.

Discrimination in mode of shipment.

Cited:	ICC	IC
	2-312	4-661 2-188 3-542
	2-373	5-12 2-248 3-658
	3-582	5-199 2-622 3-844
	3-587	5-212 2-794 3-849
	4-145	5-429 2-795 4-168
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	4-153	5-433 3-171
	4-154	6-316 3-514
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Cited:	ICC	IC
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	4-316	3-310
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(2 I. C. REP. 78.)

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Transportation risk as element in rate-making.

Cited:	ICC	IC
	5-3	8-287
	5-39	8-604
	5-111	12-166
	5-370	22-68
	5-629	
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		3-699
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		4-139
		4-281
		4-357

- 142 NEW JERSEY FRUIT EXCHANGE v. C. R. R. OF N. J.
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Cited:	ICC	IC
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- 147 LINCOLN BOARD OF TRADE v. B. & M. R. R. CO.
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Competition at intermediate point as affecting rates.
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Cited:	ICC	IC
	2-157	2-100
	4-15	3-92
	4-520	3-446
	9-226	

- 155 LINCOLN BOARD OF TRADE v. M. P. RY. CO.
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Preference in rates between localities.
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Cited:	ICC
	6-481
	13-320

- 162 KENTUCKY & INDIANA BRIDGE CO. v. L. & N. R. R. CO.
(2 I. C. REP. 102.)

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Public necessity in re common carriers.

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Cited:	ICC	IC
	3-1	2-452
	3-17	2-460
	4-716	3-548

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- 231 In re CHICAGO, ST. PAUL & KANSAS CITY R. R. CO.

(2 I. C. REP. 137.)

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Extent and purpose of Act in re preference and discrimination.

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Cited: ICC		IC		
2-524	5-608	2-345	4-343	56 Fed. 944.
3-259	6-678	2-606		167 U. S. 479.
3-632	7-63	3-67		167 U. S. 507.
4-83	7-475	3-117		
4-84	8-358	3-255		
4-211	9-599	4-151		
5-400	14-307	4-272		

- 272 HOWELL v. N. Y. L. E. & W. R. R. CO.

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Cited: ICC		IC
2-632	7-156	2-441
7-102	7-164	
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- 301 GRIFFEE v. B. & M. R. R. R. CO.

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Cited: ICC		IC
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- 304 SPARTANBURG BOARD OF TRADE v. R. & D. R. R. CO.

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Cited: ICC		IC
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- 315 DETROIT BOARD OF TRADE v. G. T. RY. CO.

(2 I. C. REP. 199.)

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Cited: ICC		IC	
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2-590	17-132	2-415	
2-593	17-137	2-608	
3-263	23-198	2-789	

- 324 In re TARIFFS OF TRANSCONTINENTAL LINES.

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Cited:	ICC	IC
	3-655	2-805

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Cited:	ICC	IC
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	6-169	4-534

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Cited:	ICC	IC
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	5-200	3-844
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(2 I. C. REP. 289.)

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Reasonableness of rates not affected by manner of construction.

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Commerce between points in same State—when interstate commerce.

Operating expense of road in re reasonableness of rates.

Cited:	ICC	IC
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	3-553	5-111
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	3-572	9-243
	4-208	26-623
	2-415	2-790
	2-521	3-253
	2-530	3-472
	2-784	3-746
	2-788	

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	4-133	3-163
	5-427	4-167

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(2 I. C. REP. 313.)

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Cited:	ICC	IC
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	4-677	12-168
	5-25	13-271
		2-599
		2-786
		3-693

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Cited:	ICC	IC
	3-130	2-544
	4-40	3-77

- 584 LIPPMAN & CO. v. I. C. R. R. CO.

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Cited:	ICC	IC
	3-462	2-725
	8-259	

- 604 LOGAN v. C. & N. W. RY. CO.

(2 I. C. REP. 431.)

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Cited:	ICC	IC
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	5-628	4-611
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	6-586	

- 618 IMPERIAL COAL CO. v. P. & L. E. R. R. CO.

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Cited:	ICC	IC	
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	7-164	18-78	
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- 645 In re JOINT WATER AND RAIL LINES.

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Cited:	ICC	IC			
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252 McMORRAN v. GRAND TRUNK R. R. CO.

(2 I. C. REP. 604.)

Relation of local to through rates should not be unduly disproportional.
 When difference in rates on grain and grain products is unreasonable.
 When burden of proof on carrier to justify disparity between rates.
 Terminal expenses as affecting reasonableness of rates.

Cited:	ICC	IC
	4-527	6-236
	5-111	6-674
	6-23	8-269
		3-449
		4-357
		4-611

266 RAWSON v. N. N. & M. V. RY. CO.

(2 I. C. REP. 626.)

Procedure—Where practice complained of has been abandoned.

Cited:	ICC	IC	
	4-520	3-446	137 Fed. 349.
	5-94	3-716	
	19-384		

435 BATES & BATES v. PENNSYLVANIA R. R. CO.

(2 I. C. REP. 715.)

Water competition affecting rates from remote points.
 Conditions under which change in classification unjustifiable.
 Discrimination between rate on corn and its products.

Cited:	ICC	IC
cc	4-281	8-269
	5-518	8-271
	5-519	12-262
	5-521	14-71
	6-73	
		3-296
		4-225
		4-226
		4-379

450 C., R. I. & P. R. R. Co. v. C. & A. R. R. CO.

(2 I. C. REP. 721.)

Failure of carriers to establish joint through rates.
 Considerations determining reasonableness of through and local rates.
 Through rates may be less than sum of locals.
 Unjust discrimination in re stoppage in transit privileges.

Cited:	ICC
	7-247
	7-335

465 PITTS., CIN. & ST. LOUIS RY. CO. v. B. & O. R. R. CO.

(2 I. C. REP. 729.)

Passenger excursion rates are required to be published.
 Party-rate tickets illegal

Reversed: 43 Fed. 37; 145 U. S. 263; 36 L. Ed. 699; 12 S. C. 844.

Cited:	ICC
	12-96
	21-434

473 THURBER v. N. Y. C. & H. R. R. R. CO.

(2 I. C. REP. 742.)

Classification of freight is lawful.
 Differential between carload and less-than-carload rates, lawful.
 Elements entering into the making of classifications.

Cited:	ICC	IC	
	5-78	5-655	3-721
	5-638	6-109	4-285
	5-646	9-356	4-289
	5-652	25-472	4-291
			4-293
			4-395
			220 U. S. 240.

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534 NEW ORLEANS COTTON EXCHANGE v. I. C. R. R. CO.
(2 I. C. REP. 777.)

Factors in determining reasonableness of rates.
Division of through rate lower than corresponding local.
Competition between carriers as affecting rates.
Application of per ton mile rule.
When water competition is a factor in rate making.
Reasonableness of allowance for compressing cotton.
Commission's authority to compel furnishing of certain equipment.
Water carriers not required to file tariffs with Commission.

Cited:	ICC	IC	
	4-21	5-111	3-88 3-746
	4-195	8-259	3-248
	4-207	16-582	3-253
	4-243		3-269
	4-261		3-276

577 WORCESTER EXCURSION CAR CO. v. P. R. R. CO.
(2 I. C. REP. 792.)

Circumstances under which carriers may refuse to haul private cars.
Public character of railroads.
Manner of acquiring equipment is optional with carrier.
Liability of carriers for safe conduct of passengers.
Discrimination in charges for handling private equipment.

Cited:	ICC	IC	
	3-272	4-255	51 Fed. 477.
	17-104		200 Fed. 792.

592 MATTINGLY v. PENNSYLVANIA COMPANY.
(2 I. C. REP. 806.)

Transfer of freight cars by connecting carriers.
Construction of Act in re transportation facilities.
State common carrier engaged in interstate commerce—Duties of.

Cited:	ICC	IC	
	4-17	5-25	3-87 3-693 74 Fed. 526.
	4-677	5-369	3-498 4-139
	4-717	5-604	3-548 4-271
	4-726	6-48	3-552 4-368

613 STONE & CARTEN v. D. G. H. & M. RY. CO.
(3 I. C. REP. 60.)

Free cartage as undue preference.
Long-continued practice creates no presumption of legality.
Discrimination in terminal facilities between localities.
Sustained: 57 Fed. 1005.
Reversed: 74 Fed. 803; 167 U. S. 633; 42 L. Ed. 306; 17 S. C. 986.

Cited:	ICC	IC	
	5-63	3-704	85 Fed. 118.
			137 Fed. 355.
			167 U. S. 638.

649 In re CLARK.
(2 I. C. REP. 797.)

Advancing freight charges earned by preceding carrier.
Through rates are matter of agreement between carriers.

Cited:	ICC
	7-335

658 PANKEY v. R. & D. R. R. CO.
(3 I. C. REP. 333.)

Duty of carrier in re shipper's choice of route.
Duty of carrier to forward via cheapest route when shipment unrouted.

Cited:	ICC	
	7-53	153 Fed. 629.
	12-418	
	12-424	
	17-294	

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- 1 LEHMANN, HIGGINSON & CO. v. SOUTHERN PACIFIC CO.
(3 I. C. REP. 80.)

Conditions justifying lower charge for longer distance.
Distinction between legitimate and destructive competition.
Limitations on power of carrier to determine charges.
Pacific Coast Terminal rates as compared with intermediate rates.

Cited:	ICC	IC
	4-717	8-626
	4-726	9-239
	5-241	9-240
	5-243	13-65
	5-246	13-66
	7-235	
		3-548
		3-552
		3-860
		3-861
		3-862

- 32 WARNER v. N. Y. C. & H. R. R. CO.
(3 I. C. REP. 74.)

Elements of classification—Volume of traffic.
Difference in value justifies difference in classification.
Market value as distinguished from intrinsic value.

Cited:	ICC
	9-83
	25-472

- 41 ANDREWS SOAP CO. v. P. C. C. & ST. L. RY. CO.
(3 I. C. REP. 77.)

Manufacturer's description of article describes it for transportation.

Cited:	ICC	IC
	4-742	3-568
	19-510	

- 48 In re FOOD PRODUCTS.
(3 I. C. REP. 93.)

Reasonableness of rates—Relation of cost and value of service.
Relation of freight charges to cost of production of article.
Presumption of profitability in long-established rates.
Cost of transportation as element of rate-making.

Cited:	ICC	IC
	4-116	8-180
	5-40	8-181
	5-111	9-306
	8-178	
	8-179	
		3-151
		3-700
		3-746

- 79 MANFRS. & JOB. UNION OF MANKATO v. M. & ST. L. R. R. CO.
(3 I. C. REP. 115.)

Relative rates between localities.
Must be relatively reasonable as well as reasonable per se.
Under similar conditions equality of rates must prevail.
Obligation to give impartial service to all patrons.
Application of per ton mile rule.

Cited:	ICC	IC
cc 1-227	9-31	cc 1-630
	4-520	9-241
	5-630	9-247
	6-236	11-549
	6-238	
	6-484	
		3-446
		4-282
		4-611
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- 87 PROCTOR & GAMBLE v. C. H. & D. RY. CO.
(3 I. C. REP. 131.)
 Classification of common soap.
 Elements entering into classification of freight.
 Increasing rate by charging for gross weight of package.
 Cited: ICC IC
 cc 4-443 9-446 cc 3-374
 6-56 9-482 4-371
 9-440 9-484
- 104 SAN BERNARDINO BOARD OF TRADE v. A. T. & S. FE RY. CO.
(3 I. C. REP. 138.)
 Violation of Fourth Section of Act.
 Procedure—Sufficiency of petition.
 Actual water competition as justifying greater charge.
 Filing of tariff raises no presumption as to legality of rates.
 Burden of proof—When on carrier to justify excessive charges.
Reversed: 50 Fed. 295; 149 U. S. 264; 37 L. Ed. 727; 13 S. C. 837.
 Cited: ICC IC
 7-235
 7-279 56 Fed. 947.
 9-50
 21-417
- 116 In re FOOD PRODUCTS.
(3 I. C. REP. 151.)
 Commission's duty and powers under Act.
 What constitutes compliance with Act in reference to hearings.
 Commission has no authority to punish for contempt.
 Cited: ICC IC
 cc 4-48 cc 3-93
 5-111 3-746
- 131 RICE, ROBINSON & WITHEROP v. W. N. Y. & P. R. R. CO.
(3 I. C. REP. 162.)
 Relative rates on competitive traffic.
 Reasonableness of rates affected by consolidation of competing lines.
 Discrimination in rates based on mode of shipment.
 Discrimination in charges for weight of container.
 Discrimination in exaction of unreasonable rent for private cars.
 Duty of carrier to supply suitable equipment.
 Discrimination in allowances for leakage.
 Cited: ICC IC
 4-316 3-310
 5-201 3-844
 5-427 4-167
 6-455
 12-410
- 158 CHICAGO BOARD OF TRADE v. C. & A. R. R. CO.
(3 I. C. REP. 233.)
 Relative rates on live hogs and hog product.
 Duty of carrier to properly equip its road with cars.
 Omission to provide cars no excuse for charging preferential rates.
 Cost of transportation as element of rate.
 Cited: ICC IC
 4-618 10-447 3-518
 5-520 10-452 4-226
 10-429 21-505
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- 195 **POUGHKEEPSIE IRON CO. v. N. Y. C. & H. R. R. R. CO.**
(3 I. C. REP. 248.)
 Relative rates on pig iron.
 Division of through rate lower than corresponding local.
 Rates as affected by cost of production of article transported.
 No power to make order affecting carrier not party to proceedings.
 Cited: ICC IC
 4-315 3-309
- 212 **HARVARD v. PENNSYLVANIA CO.**
(3 I. C. REP. 257.)
 Elements entering into classification of freight.
 Difference in classification based on volume of traffic, unreasonable.
 Undue preference in allowing carload ratings.
 Cited: ICC IC
 5-111 3-746
 9-83
 9-85
 25-472
- 228 **RICE v. A. T. & S. FE RY CO.**
(3 I. C. REP. 263.)
 Competition as a factor in making rates.
 Principle of group rates.
 Allegations of petition must be sustained to warrant a finding.
 Cited: ICC IC
 5-202 3-845 50 Fed. 305.
 21-417 4-328
 4-330
- 251 **KING & CO. v. N. Y. N. H. & H. R. R. CO.**
(3 I. C. REP. 272.)
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 Sufficiency of complaint under Fourth Section.
 Water competition as affecting rates.
 Cited: ICC IC
 4-243 3-269 74 Fed. 527.
- 265 **CAPEHART v. L. & N. R. R. CO.**
(3 I. C. REP. 278.)
 Through rates and billing between rail and independent water lines.
 Through rates and billing are matters of agreement between carriers.
 What constitutes a through rate.
 What water carriers are subject to the Act.
 Discrimination by rail carrier in connections via water.
 Cause of action must be predicated on duty imposed by Act.
 Jurisdiction over carriers prerequisite to granting reparation.
 Cited: ICC IC
 4-718 3-549
 4-726 3-552
 4-727 4-180
 5-458
 7-555
- 281 **BATES & BATES v. P. R. R. CO.**
(3 I. C. REP. 296.)
 Rehearing of complaint charging discrimination in rates.
 Relative rates on corn and corn products.
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 Cited: ICC
 8-271
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- 296 HADDOCK v. D. L. & W. R. R. CO.
(3 I. C. REP. 302.)

Practice—Rule under which subpoena duces tecum will issue.
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Rates fixed by written agreement may be shown to be unreasonable.
Discrimination by carrier in favor of itself as a shipper.

Cited:	ICC	IC	
cc	4-535	cc	3-460
	7-33		128 Fed. 59.
	7-38		138 Fed. 854.
			164 Fed. 247.
			200 U. S. 361.

- 417 KAUFFMAN MILLING CO. v. M. P. RY. CO.
(3 I. C. REP. 400.)

Relative rates on wheat and flour.
Exceptions to classification—when reasonable.
Power of Congress to regulate rates.

Cited:	ICC	ICC	
	8-304	10-35	10-40
	8-308	10-36	10-45
	8-309	10-37	12-263
	8-310	10-38	14-72
			21-174

- 443 PROCTOR & GAMBLE v. C. H. & D. R. R. CO.
(3 I. C. REP. 374.)

Rehearing not granted on mere allegation of error in finding of fact.

Cited:	ICC	IC
cc	4-87	cc
	6-56	9-446
	9-440	9-482
		4-371

- 447 NEW YORK BOARD OF TRADE v. P. R. R. CO.
(3 I. C. REP. 417.)

Import rates.
Act provides for regulation of foreign commerce.
Import rates—conditions surrounding making of.
Inland joint tariffs.
"Like kind of traffic" defined.
Carriers may lawfully make commodity class rates.
Unjust discrimination through difference in classification.

Sustained: 52 Fed. 187; 57 Fed. 948.
Reversed: 162 U. S. 197; 40 L. Ed. 940; 16 S. C. 666.

Cited:	ICC	IC
cc	3-137	cc
	8-110	8-253
	8-115	13-95
	8-117	13-96
		2-553
		5-438

- 535 COXE BROS. & CO. v. LEHIGH VALLEY R. R. CO.
(3 I. C. REP. 460.)

Anthracite coal rates.
Classification of freight. Group rates.
Through carriage via connecting lines.
Duty of Commission to determine reasonable rates.
Division of through rate lower than corresponding local.
Long maintained rates prima facie evidence of reasonableness.

Reversed: 49 Fed. 177; 74 Fed. 784; 82 Fed. 1002.

Cited in	ICC	ICC	IC
cc	4-296	6-554	cc
	5-110	7-33	3-302
	5-111	7-38	3-726
	5-125	8-641	3-746
	5-370	21-147	4-139
	6-67	25-473	4-376
	6-321		
			128 Fed. 59.
			164 Fed. 247.
			200 U. S. 361.

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- 588 DELAWARE STATE GRANGE v. N. Y., P. & N. R. R. CO.
(3 I. C. REP. 554.)

Reasonableness of rates on Fruit and Vegetables.

Relative value of service—How determined and by whom.

Rates to be reasonable must permit of movement of traffic.

Reversed: See 7th Ann. Rep. of Com., p. 29.

Cited:	ICC	IC
	5-112	8-18
	5-161	8-19
	5-529	19-75
	5-543	
		3-746
		3-828
		4-205
		4-211

- 611 SQUIRE & CO. v. MICHIGAN CENTRAL R. R. CO.
(3 I. C. REP. 515.)

Relative rates on live hogs, cattle and dressed products of both.

Discrimination in kinds of traffic.

Relation of rates rest upon fixed and stable conditions.

Violation of Act by one carrier not justification for violation by competing carriers.

Cited in	ICC
	10-430
	13-248
	21-499

- 630 SHAMBERG v. DELAWARE, LACKAWANNA & WEST. R. R. CO.
(3 I. C. REP. 502.)

Discrimination in rebates for use of private cars.

Unlawful preference in re allowances for use of private stock cars.

Payment by carriers of cost of lighterage.

Cited in	ICC
	7-164
	12-318
	17-45

- 664 BOSTON FRUIT & PRODUCE EX. v. N. Y. & N. E. R. R. CO.
(3 I. C. REP. 493.)

Reasonableness of rates requiring special train service.

"Common control, management or arrangement" defined and applied.

Commission will take judicial notice of tariffs filed with it.

Construction of Act—Sections Seven and One.

Direct damage not necessary to enable party to complain.

Cited:	ICC	IC
	5-101	3-742
	5-112	3-746
	5-369	4-139
	5-604	4-271
	6-48	4-368

- 686 HAMILTON & BROWN v. C. R. & C. R. R. CO.
(3 I. C. REP. 482.)

Unjust discrimination against locality.

Through rates made by adding to basing-point-rate the local rate therefrom.

Basing point system of rate making in South criticized.

Cited:	ICC	IC
	5-98	3-741
	5-116	3-748
	5-369	4-139
	9-242	

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- 694 NEW ORLEANS COTTON EXCHANGE v. L. N. O. & T. RY. CO.
(3 I. C. REP. 523.)

Cotton rates—Posting of schedules.

No order will be issued where complaint is satisfied before hearing.

Cited: ICC
10-63

- 702 NEW YORK & NORTHERN RY. CO. v. N. Y. & N. E. R. R. CO.
(3 I. C. REP. 542.)

Discrimination between connecting lines.

Unlawful to decline to enter into arrangement for joint rate

Sustained: 50 Fed. 867.

Cited: ICC
4-116 47 Fed. 780.
4-539 59 Fed. 405.
4-541

- 733 BEAVER & CO. v. P. C. C. & ST. L. R. R. CO.
(3 I. C. REP. 564.)

Classification of soap.

Elements of classification—Commercial value of article.

Cited: ICC
9-446

- 744 JAMES & MAYER BUGGY CO. v. C. N. O. & T. P. RY. CO.
(3 I. C. REP. 682.)

Same rate for longer and shorter distances.

Greater charge for shorter distances.

When water competition will justify greater charge for shorter distance.

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Reversed: 56 Fed. 925; 162 U. S. 184; 40 L. Ed. 935; 16 S. C. 700.

Cited:	ICC	IC	
5-248	6-263	3-863	4-610
5-370	6-264	4-139	4-615
5-402	6-275	4-152	
6-7	7-163	4-345	
6-48	7-373	4-350	
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- 1 BOSTON FRUIT & PRODUCE EX. v. N. Y. & N. E. R. R. CO.
(3 I. C. REP. 604.)

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Commission determines as to reasonableness of whole rate and not parts thereof.

Cited: ICC IC
5-630 4-281

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13 RAILROAD COMMISSION OF FLORIDA v. S. F. & W. RY. CO.
(3 I. C. REP. 688.)

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Advances in rates should be justified by carriers.

Reparation for injuries caused by unreasonable advance in rates.

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When willful failure to obey Act constitutes misdemeanor.

Reversed: 167 U. S. 512; 42 L. Ed. 257.

Cited:	ICC	IC	
	5-119	7-554	3-749
			190 Fed. 960.
cc	5-136	8-604	3-750
	5-458	9-305	4-180
	5-541	14-482	4-211
	6-22	14-493	4-357

44 LEHMAN, HIGGINSON & CO. v. T. & P. RY. CO.
(3 I. C. REP. 706.)

Manner in which joint tariffs are legally established.

Sum of locals are to apply in absence of through joint rate.

Discrimination between points on main line and points on branch.

Cited:	ICC
	7-329
	7-342
	7-554
	12-168

57 HEXEL MILLING COMPANY v. ST. L. A. & T. H. R. R. CO.
(3 I. C. REP. 701.)

Free cartage and side track delivery.

Unlawful discrimination in making free cartage allowances.

Lawful allowances for cartage service performed by shipper.

Unlawful to require shippers to clean and repair cars furnished.

Rates—Competing cities on opposite banks of river.

Cited: 74 Fed. 837.

69 In re FREE CARRIAGE OF PERSONS BY B. & M. R. R. CO.
(3 I. C. REP. 717.)

Regulations for transportation of persons free or at reduced rates.

Free transportation to public officials, unlawful.

Order pendente lite will be given in partly concluded investigation.

Cited:	ICC	IC	
	5-153	3-794	66 Fed. 148.
	5-154		161 Fed. 611.

84 MACLOON v. C. & N. W. RY. CO.
(3 I. C. REP. 711.)

Unlawful requirement by carrier of promise by consignee to pay demurrage charges.

Duty of Commission in re awarding reparation.

Unlawful prejudice in making delivery of carload freight.

Cited:	ICC	IC	
	5-111	3-746	137 Fed. 349.
	5-151	3-756	
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(3 I. C. REP. 740.)
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 Power to award reparation construed.
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 Influence of water competition on rates.
 Violation of long-and-short haul clause.
 Reparation for speculative damages not awarded.
 Burden of proof under reparation claim.
 Cited: ICC IC
 5-121 6-554 3-727 109 Fed. 836.
 5-126 7-554 3-750
 6-317 8-287
- 122 **MURPHY, WASEY & CO. v. WABASH R. R. CO.**
(3 I. C. REP. 725.)
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 Cited: ICC IC
 5-449 4-176
 5-524 4-227
 6-554
- 153 **HARVEY v. L. & N. R. R. CO.**
(3 I. C. REP. 793.)
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 Cited: 66 Fed. 148.
- 156 **LINCOLN CREAMERY v. UNION PACIFIC RY. CO.**
(3 I. C. REP. 794.)
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 Cited: ICC
 12-433
 13-635
- 166 **TOLEDO PRODUCE EXCHANGE v. L. S. & M. S. RY. CO.**
(3 I. C. REP. 830.)
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 Arbitrary differential rates between competitive cities.
 Cited: ICC IC
 5-456 11-78 4-179
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 8-113 13-33
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- 193 **RICE v. C. W. & B. R. R. CO.**
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 Discrimination to be unlawful must be disadvantage under similar circumstances.
 Only competition traffic may be subject to unjust discrimination.
 Difference in rates affected by low rate on returned loads.
 Commission's rulings not necessarily precepts for general observance.
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 Use of estimated or constructive weights.
 Cited: ICC IC
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(3 I. C. REP. 857.)

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Water competition as justifying departure from 4th Section.

Intent and purpose of long-and-short-haul clause.

Unjust discrimination may exist where departure from 4th Section is justifiable.

Federal charter does not preclude jurisdiction of Commission.

Cited:	ICC	IC	
5-479	6-245	4-183	197 Fed. 64.
5-511	6-675	4-197	
6-238	8-626	4-612	
		4-615	

264 EAU CLAIRE BOARD OF TRADE v. C. M. & ST. P. RY. CO.

(4 I. C. REP. 65.)

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Rates—Equalization of commercial conditions unlawful.

There can be no true comparison between rates not made by same carrier.

Participation in traffic is necessary element in discrimination.

Cited:	ICC	IC
5-627	7-165	4-280
6-245	7-191	4-615
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6-480	23-34	
6-557	23-149	
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299 ANTHONY SALT CO. v. M. P. RY. CO.

(4 I. C. REP. 33.)

Limitation of carrier's right to establish commodity rates.

Unlawful adjustment of rates to overcome natural advantages.

Cited:	ICC
	22-417

324 TRAMMELL v. CLYDE STEAMSHIP CO.

(4 I. C. REP. 120.)

Practice—Effect of receivership of railroad on proceedings.

"Common control, management or arrangement" construed.

Manner of construction of through rate has no bearing on question of reasonableness thereof.

Practice—Consideration given to decisions of English courts.

Competition as element of dissimilar conditions under 4th Section.

Justification for departure from Fourth Section primarily determined by carrier.

Practice—Rule of evidence in re 4th Section violations.

Reversed: 88 Fed. 186 93 Fed. 83; 181 U. S. 29; 45 L. Ed. 729;
21 S. C. 512.

Cited:	ICC	IC	
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Sustained: 82 Fed. 192.
Reversed: 137 Fed. 343; 208 U. S. 208; 52 L. Ed. 456; 28 S. C. 268.
Cited: ICC
 6-52 6-380
 6-316 6-450
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- 466 In re TRANSPORTATION OF COAL BY L. & N. R. R. CO.
(4 I. C. REP. 157.)
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- 478 MERCHANTS UNION OF SPOKANE v. N. P. RY. CO.
(4 I. C. REP. 183.)
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- 514 POTTER MANUFACTURING CO. v. C. & G. T. RY. CO.
(4 I. C. REP. 223.)
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Cited: ICC
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- 529 LOUD v. SOUTH CAROLINA R. R. CO.
(4 I. C. REP. 205.)
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Cited: ICC IC
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(4 I. C. REP. 213.)

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Essential elements in the lawful meeting of competition between carriers.
Inference to be drawn when great disparity exists between rates to competitive and intermediate points.

Sustained: 85 Fed. 107; 99 Fed. 52.

Reversed: 181 U. S. 1; 45 L. Ed. 719; 21 S. C. 516.

Cited:	ICC	IC	
	6-258	10-111	4-523 175 U. S. 659.
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571 CHAMBER OF COMMERCE OF MINNEAPOLIS v. G. N. RY. CO.
(4 I. C. REP. 230.)

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Cited:	ICC	IC
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	6-245	7-164 4-615
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596 GERKE BREWING COMPANY v. L. & N. R. R. CO.
(4 I. C. REP. 267.)

Application of Fourth Section to converging lines.
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Disparity between rates under Fourth Section must be reasonable.

Cited:	ICC	IC
	6-258	4-523 74 Fed. 837.
	6-263	
	6-264	

612 JAMES & ABBOTT v. CANADIAN PACIFIC RY. CO.
(4 I. C. REP. 274.)

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Cited:	ICC
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	6-557 15-338
	7-164 21-500
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638 BROWNELL v. C. & C. M. R. R. CO.
(4 I. C. REP. 285.)

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Reversed: 69 Fed. 227; 74 Fed. 715; 168 U. S. 144; 42 L. Ed. 414;
18 S. C. 45.

Cited:	ICC	IC
	6-48	9-247
	6-233	12-169
	6-252	17-531
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(4 I. C. REP. 363.)

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Practice of billing shipments at estimated weights.
Effect of retention by carrier of overcharge.
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Unlawful discrimination between consignee in making delivery.

Cited:	ICC	168 Fed. 173.
	6-616	
	17-372	

52 INDEPENDENT REFINERS ASSOCIATION v. P. R. R. CO.
(4 I. C. REP. 369.)

Procedure—Depositions under application for rehearing.

Cited: 192 Fed. 342.

85 DUNCAN v. A. T. & S. FE RY. CO.
(4 I. C. REP. 385.)

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Cited:	ICC	
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	10-225	195 Fed. 559.
	17-127	

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(4 I. C. REP. 397.)

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(4 I. C. REP. 469.)

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- 131 NEWLANDS v. NORTHERN PACIFIC R. R. CO.
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Cited: ICC

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Cited: ICC
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- 195 FREIGHT BUREAU CIN. CHAM. OF COM. v. C. N. O. & T. P. RY.
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Cited: ICC

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6-286	29-477	64 Fed. 981.
6-675		188 Fed. 244.
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Sustained: 83 Fed. 898.

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- 193 IOWA STATE BOARD OF R. R. COMRS. v. A. E. R. R. CO.
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- 332 In re RATES ON LIVE STOCK AND PACK. HOUSE PRODUCTS.
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- 398 AMERICAN AGRICULTURAL CHEM. CO. v. B. & A. R. R. CO.
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- 428 ARIZONA CORPORATION COM. v. A., T. & S. FE RY. CO.
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- 467 In re SCRAP IRON RATES BETWEEN DULUTH AND CHICAGO.
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- 502 HUERFANO COAL COMPANY v. C. & S. E. R. R. CO.
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- 621 WAVERLY OIL WORKS COMPANY v. P. R. R. CO.
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- 583 PADUCAH BOARD OF TRADE v. ILL. CENTRAL R. R. CO.
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- 609 In re LUMBER RATES FROM OREGON AND WASHINGTON TO EASTERN POINTS.
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29-650

CITATION OF FEDERAL CASES

The purpose of this section is to show citations of Federal cases in the I. C. C. Reports. Where cases are predicated on orders or decisions of the Commission, all the direct citations of the case are shown. The Interstate Commerce Commission case involved is indicated by the abbreviation "cc".

Abbreviations.

a—affirmed.
cc—connecting case.
d—dismissed.
pc—parallel case.
r—reversed.
s—sustained.
sc—same case.

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